HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.7138 of 2000

Dated 25th Day of April, 2007

Between:

M.Sudershan .. Petitioner

And

The Government of A.P. rep. by its Estate Officer, MCH Complex, Secunderabad and two others .. Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents 1 and 2 in acting upon the representation of the 3rd respondent, as arbitrary and illegal, and consequently direct the respondents not to pass any orders on the 3rd respondent's representation for converting the leasehold rights into freehold rights in respect of the petitioner's property.

The petitioner asserts that his father purchased an old house bearing No.6-2-632 situated at New Bhoiguda, Secunderabad by virtue of a sale deed in the year 1956. Abutting that house, there is an open plot admeasuring 268 square yards, which the petitioner obtained on lease from the 1st and 2nd respondents vide lease No.1655/72 dated 4.8.1972. After obtaining permission from the Estate Officer, his father dismantled the old structures and constructed a new building consisting of ground plus 1st floor and three mulgis both on freehold and leasehold lands. The entire 1st floor is used by the 3rd respondent i.e. M. Sudhakar. When the 3rd respondent made certain alterations to the 1st floor building, the petitioner objected to it, then the 3rd respondent filed a writ petition, which was dismissed. Subsequently, the petitioner also filed a writ petition, which was allowed. Thereafter, the 3rd respondent filed another W.P.No.35191 of 1998 without making the petitioner a party to it, and this Court

disposed it of with a direction to the 1st and 2nd respondents to consider the representation, dated 27.3.1997 filed by him for conversion of leasehold land into freehold land. Now, the grievance of the petitioner is that the respondents 1 and 2 are trying to pass orders on the representation of the 3rd respondent.

In spite of the fact that notices are served on the respondents, they have not chosen to file counter affidavit.

This Court, on 26.4.2000, while issuing Rule Nisi, granted interim stay of all further proceedings.

Evidently, W.P.No.35191 of 1998 filed by the 3rd respondent, who is none other than the brother of the petitioner herein, was disposed of by this Court with a direction to the respondents 1 and 2 to consider his representation dated 27.3.1997 in accordance with law. Now, as there is a dispute between the petitioner and the 3rd respondent and the subject matter of both W.P.No.35191 of 1998 and the present writ petition is inter-related, this Court deems it appropriate to direct the 1st respondent to hear the petitioner and the 3rd respondent and pass appropriate orders in accordance with law.

With the above direction, the writ petition is disposed of. No costs.

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25.04.2007

bcj